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DECISIONS PURSUANT TO RULE 1:28

October 27, 2017.

[COMMONWEALTH vs. ALEXIS J. ALICEA. No. 16-P-922.](#) Order entered October 19, 2015, allowing motion to suppress reversed.

[COMMONWEALTH vs. ZACHARY BAZINET. No. 16-P-1582.](#) Judgment affirmed. Order denying motion for new trial affirmed. Order denying motion for reconsideration affirmed.

[COMMONWEALTH vs. MANUEL ANTONIO MERCADO. No. 16-P-1233.](#) Order denying motion to withdraw guilty plea affirmed.

[COMMONWEALTH vs. RICKY ROTGER. No. 16-P-1255.](#) Judgment reversed. Guilty finding vacated. Judgment to enter for the defendant.

[COMMONWEALTH vs. DENNIS SENNA. No. 16-P-1205.](#) Judgments affirmed.

[J.C. & another vs. M.T. No. 17-P-101.](#) The order granting father sole legal and physical custody is affirmed. The order denying the motion for special findings is reversed, and the case is remanded for further action consistent with the memorandum and order of the Appeals Court.

[R.G. vs. C.F.-M. No. 17-P-437.](#) Harassment prevention order affirmed.

[ORLANDO JAVIER HERNANDEZ TEJADA vs. CRISTINA ELIDA TEJADA LEMUS. No. 17-P-1076.](#) The judgment of the Probate and Family Court dated September 29, 2015, is reversed. The matter is remanded to that court where a decree is to enter forthwith incorporating the following numbered findings: 1. Orlando was born on

November 7, 1996, in El Salvador and currently lives with his father in East Boston, Suffolk County, Massachusetts. 2. The Probate and Family Court has jurisdiction pursuant to G. L. c. 215, § 6, to make equity determinations within the meaning of § 101(a)(27)(J) of the Immigration and Nationality Act, 8 U.S.C. § 1101(a)(27)(J)(i) (2012), and 8 C.F.R. § 204.11(a) & (c) (2015). Orlando is dependent upon the Probate and Family Court and under its jurisdiction relative to these proceedings. 3. Reunification of Orlando with his mother is not viable due to abuse, neglect, abandonment, or similar grounds under State law. 4. It is not in the best interests of Orlando to return to El Salvador, his country of nationality, and it is in his best interests to remain in the United States. The First Justice of the Suffolk Division of the Probate and Family Court shall direct the Register to enter the decree also forthwith, but in any event no later than November 1, 2017. The rescript shall issue forthwith.